

Message Text

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ORIGIN L-03

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NEA/EGY:GRBEYER

SSM:CWKONTOS

L:GHALDRICH

NEA:ARDA

S/S - MR. ORTIZ

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O 262106Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY CAIRO IMMEDIATE

C O N F I D E N T I A L STATE 046990

E.O. 11652: GDS

TAGS: PFOR, MARR, OTRA

SUBJECT: SINAI FIELD MISSION PRIVILEGES AND IMMUNITIES

REFS: (A) CAIRO 2300, (B) CAIRO 2389

1. IN RESPONSE TO NECESSITY DESCRIBED REF A, THIS MESSAGE CONTAINS DRAFT TEXT OF PROPOSED U.S. NOTE CONCERNING PRIVILEGES AND IMMUNITIES WHICH EMB IS AUTHORIZED TO PROVIDE TO GOE. IDEALLY EVENTUAL GOE RESPONSE WOULD BE SIMPLE ACKNOWLEDGEMENT ACCEPTING TERMS OF U.S. NOTE.

2. BECAUSE OF GOE AVESION TO INCORPORATION BY REFERENCE OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS, WHICH WE WOULD PREFER, THE DRAFT IS DRAWN ROUGHLY FROM U.S.-EGYPTIAN EXCHANGE OF NOTES OF APRIL 13 AND 25, 1974 ON CLEARANCE OF MINES AND UNEXPLODED ORDNANCE, 1957 U.N.-EGYPT AGREEMENT ON UNEF AND VIENNA CONVENTION.

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3. YOU WILL NOTE THAT DRAFT REFLECTS EFFORT TO EXTEND P AND I PROVIDED IN PARA 6 OF U.S. PROPOSAL TO DEPENDENTS OF SFM PERSONNEL WHO PLAN TO RESIDE IN CAIRO. REFTELS HAVE BEEN SILENT REGARDING GOE VIEWS ON THIS ISSUE.

4. IN ACCORDANCE WITH PRACTICES EMPLOYED IN NEGOTIATION OF SUEZ CLEARANCE AND SALVAGE AGREEMENTS, DEPT WILL WISH

TO CLEAR ANY PROPOSED CHANGES TO FOLLOWING TEXT.

5. BEGIN TEXT: QTE: EXCELLENCY: I HAVE THE HONOR TO REFER TO THE AGREEMENT WHICH ENTERED INTO FORCE BETWEEN OUR TWO GOVERNMENTS OCTOBER 13, 1975 CONCERNING UNITED STATES PARTICIPATION IN THE SINAI EARLY WARNING SYSTEM AND PROPOSE THAT PARAGRAPH 6 THEREOF BE IMPLEMENTED AS FOLLOWS:

1. THE GOVERNMENT OF THE UNITED STATES WILL NOTIFY THE EGYPTIAN MINISTRY OF FOREIGN AFFAIRS AND MINISTRY OF WAR OF THE ARRIVAL AND FINAL DEPARTURE OF ALL UNITED STATES PERSONNEL ASSIGNED TO PARTICIPATE IN THE SINAI EARLY WARNING SYSTEM PURSUANT TO THE ABOVE AGREEMENT AND THE MEMBERS OF THE FAMILIES OF SUCH PERSONNEL WHO ARE NOT EGYPTIAN NATIONALS AND WILL RESIDE TEMPORARILY IN EGYPT.

2. THE GOVERNMENT OF THE UNITED STATES WILL TAKE APPROPRIATE STEPS TO ENSURE THAT THE ABOVE PERSONS RESPECT EGYPTIAN LAWS, CUSTOMS AND TRADITIONS AND REFRAIN FROM ACTIVITY INCONSISTENT WITH THE SPIRIT OF THE ABOVE AGREEMENT.

3. THE ABOVE PERSONS SHALL BE IMMUNE FROM CRIMINAL AND CIVIL JURISDICTION IN THE ARAB REPUBLIC OF EGYPT, UNLESS, IN A PARTICULAR CASE, THE GOVERNMENT OF THE UNITED STATES ELECTS IN WRITING TO WAIVE SUCH IMMUNITY. THE ABOVE PERSONS AND THEIR PERSONAL PROPERTY INCLUDING VEHICLES SHALL BE EXEMPT FROM ALL FORMS OF TAXATION AND CUSTOMS DUTIES AND INSPECTION IN THE ARAB REPUBLIC OF EGYPT.

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4. THE ABOVE PERSONS WILL BE FURNISHED WITH APPROPRIATE IDENTIFICATION WHICH SHALL BE PRODUCED UPON DEMAND TO THE APPROPRIATE AUTHORITIES OF THE ARAB REPUBLIC OF EGYPT. THE ARAB REPUBLIC OF EGYPT SHALL FURNISH THE ABOVE PERSONS WITH APPROPRIATE LICENSE PLATES FOR THEIR PERSONALLY OWNED VEHICLES AND OTHER APPROPRIATE PASSES, DOCUMENTS AND PERMITS.

5. THE ABOVE PERSONS WILL BE ALLOWED FREEDOM OF ENTRY TO AND EXIT FROM THE ARAB REPUBLIC OF EGYPT AND FREEDOM OF MOVEMENT WITHIN THE ARAB REPUBLIC OF EGYPT, OTHER THAN AREAS NOT COVERED BY THE ABOVE AGREEMENT INTO WHICH THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT HAS RESTRICTED ACCESS.

6. THE ABOVE PERSONS MAY PURCHASE ITEMS AND SUPPLIES FOR THEIR PERSONAL USE AND CONSUMPTION FROM THE FACILITIES

MAINTAINED BY THE AMERICAN EMBASSY IN CAIRO AND UTILIZE THE POSTAL FACILITIES AVAILABLE TO PERSONS ASSIGNED TO THE EMBASSY.

7. APPROPRIATE AUTHORITIES OF THE ARAB REPUBLIC OF EGYPT OUTSIDE THE ZONE OF THE ABOVE MENTIONED EARLY WARNING SYSTEM MAY TAKE INTO CUSTODY ANY OF THE ABOVE PERSONS SUSPECTED OF THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIMINAL OFFENSE OR ACTION CAUSING SERIOUS INJURY TO PERSONS OR PROPERTY IN ORDER IMMEDIATELY TO DELIVER SUCH PERSON, TOGETHER WITH ANY PROPERTY IN HIS OR HER POSSESSION, TO THE NEAREST APPROPRIATE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES AND SHALL IMMEDIATELY INFORM THE DIRECTOR OF THE ABOVE DESCRIBED UNITED STATES PERSONNEL OR HIS DESIGNEE OF ANY SUCH ACTION. SUCH PERSONS SHALL NOT BE ARRESTED OR INCARCERATED BUT MAY BE INTERVIEWED BY APPROPRIATE EGYPTIAN AUTHORITIES AFTER THEIR DELIVERY TO, AND IN THE PRESENCE OF, AN APPROPRIATE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES. EVEN IF ANY SUCH PERSON IS NOT TAKEN INTO TEMPORARY CUSTODY IN ACCORDANCE WITH THIS PARAGRAPH, THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL IMMEDIATELY NOTIFY THE DIRECTOR OF THE ABOVE DESCRIBED UNITED STATES PERSONNEL OR HIS DESIGNEE OF ANY ALLEGED CRIMINAL OFFENSE, ACTION RESULTING IN A POSSIBLE CLAIM FOR DAMAGES OR OTHER MISCONDUCT BY THE ABOVE PERSONS.

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SONNEL OR HIS DESIGNEE OF ANY ALLEGED CRIMINAL OFFENSE, ACTION RESULTING IN A POSSIBLE CLAIM FOR DAMAGES OR OTHER MISCONDUCT BY THE ABOVE PERSONS.

8. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL ENSURE UNIMPEDED PASSAGE, WITHOUT PAYMENT OF FEES OR CHARGES, TO, FROM AND THROUGH ITS TERRITORY, AS MAY BE AGREED BETWEEN REPRESENTATIVES OF THE TWO GOVERNMENTS, FOR VESSELS, AIRCRAFT AND VEHICLES TRANSPORTING UNITED STATES PERSONNEL IN THE PERFORMANCE OF THEIR RESPONSIBILITIES UNDER THE ABOVE AGREEMENT AND SUPPLIES AND EQUIPMENT NECESSARY FOR SUCH ACTIVITIES. END QTE.

9. IN DISCUSSING P AND I ISSUES WITH GOE, YOU MIGHT USE- FULLY NOTE THAT ALL U.S. PERSONNEL (USG AND CONTRACTOR

EMPLOYEES) AND ACCOMPANYING DEPENDENTS WILL HAVE
PERSONAL LIABILITY INSURANCE COVERAGE. KISSINGER

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